



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 09 2013



REPLY TO THE ATTENTION OF:

SE-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Bruce White  
Attorney at Law  
Barnes & Thornburg LLP  
One North Wacker Drive, Suite 4400  
Chicago, Illinois 60606

Re: Lindsay Light II Site, Operable Unit 05, Lakeshore East/Family Golf Course  
221 North Columbus Drive, Chicago, Cook County, Illinois  
Site Spill Identification Number: 05YT  
Demand Letter

Dear Mr. White:

The U.S. Environmental Protection Agency has conducted response actions to address contamination at Lakeshore East/Family Golf Course, Operable Unit 05 (OU 05 or the Site). The EPA took these actions under authority of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §§ 9601-9675. Prior to undertaking these response actions, the EPA determined that there was a release or threatened release of hazardous substances from OU 05. The EPA undertook the response actions using monies authorized by CERCLA, as amended.

As you are aware, on May 24, 2005, the EPA and certain Settling Parties entered into a CERCLA Section 122(a) and (h)(1) Agreement For Recovery Of Past Response Costs (Agreement). The Settling Parties under the Agreement are Illinois Center Plaza Venture; LaSalle Bank National Association as successor Trustee to American National Bank and Trust Company of Chicago (trust numbers 46968, 56375, 45251, 45250, 115 883-08); PepsiAmericas, Inc.; Mid-America Improvement Corporation; Illinois Center Corporation; Metropolitan Structures; Lakeshore East, LLC; Lakeshore Links, LLC; Lakeshore East Parcel P, LLC; and Lakeshore East Development Group, Ltd. The Settling Parties conducted a removal action for the radioactively contaminated material at OU 05 in accordance with a Work Plan approved by the EPA on correspondence dated October 15, 2002. During the response, the EPA undertook several actions at OU 05.

Those response actions consisted of surface scans, sampling and overseeing investigation, and cleanup work conducted by the Settling Parties. Pursuant to the terms of the Agreement, the

Settling Parties paid the EPA \$71,256.08 for the past response costs defined by the Agreement, through December 15, 2004. Also, pursuant to the Agreement, portions of the Site were not fully investigated, and to prevent a threat of release of radionuclides, the Owner Settling Parties further agreed to record an Environmental Easement and Restrictive Covenant that restricts soil disturbance below 18 inches in the former boat slip locations, the right to enforce such restrictions, a right of access to the Site, prior notice of soil disturbance below 18 inches in the former boat slip locations, and when disturbance, exposure, intrusion or excavation occurs in those areas that it is done in accordance with the EPA-approved Work Plan. The Owner Settling Parties under the Agreement are Lakeshore East, LLC; Lakeshore Links, LLC; Lakeshore East Parcel P, LLC; and Lakeshore East Development Group, Ltd.

Subsequently, from May 25, 2005, through December 31, 2012, the EPA incurred additional response costs associated with the uninvestigated areas of the Site. Such responses included, but are not limited to, sampling and overseeing investigation, and cleanup work conducted for construction development in areas subject to the Environmental Easement and Restrictive Covenant. These additional costs are not "past" response costs as that term is defined in the Agreement. The approximate additional EPA response costs incurred are \$11,609.21. An Itemized Cost Summary dated January 30, 2013, reflecting those costs, is enclosed.

In the Agreement, the EPA alleged that Settling Parties are responsible parties pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a) and are liable for costs incurred or to be incurred at or in connection with the Site. Additionally, the EPA expressly reserved its rights against Settling Parties to seek reimbursement for response costs incurred or to be incurred by the United States after the date of the Agreement that were not within the definition of past response costs. Pursuant to the provisions of Section 107(a) of CERCLA and based on evidence currently available to the agency, it is the EPA's position that under the Agreement, the Settling Parties are liable for the payment of past costs as well as the EPA costs incurred in connection with OU 05 that are not defined in the Agreement as past costs. As potentially responsible parties (PRPs), the Settling parties are jointly and severally liable for the whole amount. Partial payments will not release the payor of liability for payment of the rest of the costs that are owed to the EPA. Limiting language on the check or in accompanying letters will be considered to be advisory only and will not be considered as placing conditions on the amount paid or as limiting liability on other costs demanded in this letter.

Such payment must be made by a cashier's or certified check made payable to the "U.S. EPA Hazardous Substance Superfund", which is established by the Internal Revenue Code, 26 U.S.C. § 9507, and administered by the EPA. Please send your check to U.S. EPA, Superfund Payments, Cincinnati Finance Center, P.O. Box 979076, St. Louis, Missouri, 63197-9000. Place the following Site Identification Number on the check: 05YT/OU 05. Please send a copy of your payment check to Mr. Thomas Marks, Chief, Enforcement Services Section 1 (SE-5J), U.S. EPA, Region 5, Superfund Division, 77 West Jackson Boulevard, Chicago, Illinois 60604, and to Cathleen Martwick, Associate Regional Counsel, Office of Regional Counsel (C-14J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

We hereby demand that you make restitution by payment of the amount in this letter expended by the agency in connection with OU 05 pursuant to authority of CERCLA, as amended. Pursuant to Section 107(a) of CERCLA, as amended, interest shall begin accruing as of the date of this demand, if payment is not received within thirty (30) calendar days of the date of this letter.

If you desire to discuss the liability of the Settling Parties with the EPA, please contact Ms. Cathleen Martwick, Associate Regional Counsel, in writing no later than thirty (30) calendar days after the date of this letter. Ms. Martwick may also be reached by phone at (312) 886-7166. If we do not receive a response from you within this time frame, the EPA will assume that the Settling Parties have declined to reimburse the Fund for the OU 05 expenditures, and pursuant to CERCLA, the EPA may pursue civil litigation to recover all of its costs, with interest.

PRPs should attempt to work out an allocation among themselves to apportion costs; however, whatever allocation system the PRPs develop among themselves, the EPA considers all PRPs to OU 05 jointly and severally liable for the amounts demanded in this letter until all costs are reimbursed or an appropriate settlement is achieved pursuant to Section 122(h) of CERCLA.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sam Borries".

Sam Borries, Chief  
Emergency Response Branch 2

Enclosure

**LINDSAY LIGHT II SITE, OU 05, LAKESHORE EAST/FAMILY GOLF COURSE**

**List of Potentially Responsible Parties Sent Demand Letter**

Lakeshore East, LLC  
Lakeshore Links, LLC  
Lakeshore East Parcel P, LLC  
Lakeshore East Development Group, Ltd.  
c/o Mr. Bruce White  
Attorney at Law  
Barnes & Thornburg LLP  
One North Wacker Drive, Suite 4400  
Chicago, Illinois 60606

Illinois Center Plaza Venture  
LaSalle Bank National Association  
as successor Trustee to American National Bank and Trust Company of Chicago  
(trust numbers 46968, 56375, 45251, 45250, 115 883-08)  
PepsiAmericas, Inc.  
Mid-America Improvement Corporation  
Illinois Center Corporation  
Metropolitan Structures  
c/o Mr. Sean Bezark  
Attorney at Law  
Greenberg Traurig, L.L.P.  
77 West Wacker Drive  
Chicago, Illinois 60601

## Headquarters Payroll Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT

Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Hours</u>	<u>Payroll Costs</u>
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## Regional Travel Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT

Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

<u>Traveler/Vendor Name</u>	<u>Travel Number</u>	<u>Treasury Schedule</u>	<u>Treasury Schedule Date</u>	<u>Travel Costs</u>
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## Headquarters Travel Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT  
Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

<u>Traveler/Vendor Name</u>	<u>Travel Number</u>	<u>Treasury Schedule</u>	<u>Treasury Schedule Date</u>	<u>Travel Costs</u>
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Financial Cost Summary for the Contract Lab Program

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT  
Operable Unit(s): 05

*Costs From 05/25/2005 Through 12/31/2012.*

**CONTRACT LAB PROGRAM (CLP) COSTS**



Miscellaneous (MIS) Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT  
Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

## EPA Indirect Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT

Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

<u>Fiscal Year</u>	<u>Direct Costs</u>	<u>Indirect Rate( %)</u>	<u>Indirect Costs</u>
2005	2,235.50	61.71%	1,379.52
2006	1,371.37	56.23%	771.12
2007	1,297.27	62.91%	816.11
2008	1,023.17	61.66%	630.87
2009	76.04	62.76%	47.73
2012	633.82	61.61%	390.49
2013	579.31	61.61%	356.89
	<u>7,216.48</u>		

Total EPA Indirect Costs

\$4,392.73

## EPA Indirect Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT

Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
FULGHUM, MARY L.	2005	26	288.54	61.71%	178.06
		27	90.17	61.71%	55.64
			378.71		\$233.70
JENSEN, LARRY W.	2005	27	894.96	61.71%	552.28
			894.96		\$552.28
MARTWICK, CATHLEEN R.	2005	22	183.09	61.71%	112.98
		26	244.11	61.71%	150.64
		27	183.09	61.71%	112.98
			610.29		\$376.60
MICKE, FREDRICK A.	2005	19	55.84	61.71%	34.46
			55.84		\$34.46
SIMON, VERNETA J.	2005	25	14.08	61.71%	8.69
		27	281.62	61.71%	173.79
			295.70		\$182.48
Total Fiscal Year 2005 Payroll Direct Costs:			2,235.50		\$1,379.52
Total Fiscal Year 2005:			2,235.50		\$1,379.52

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
FULGHUM, MARY L.	2006	02	269.56	56.23%	151.57

## EPA Indirect Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT

Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
FULGHUM, MARY L.	2006	03	68.91	56.23%	38.75
			338.47		\$190.32
JABLONOWSKI, EUGENE A.	2006	02	56.65	56.23%	31.85
		20	43.92	56.23%	24.70
			100.57		\$56.55
JENSEN, LARRY W.	2006	02	216.02	56.23%	121.47
		05	276.11	56.23%	155.26
		13	95.81	56.23%	53.87
			587.94		\$330.60
MARTWICK, CATHLEEN R.	2006	02	121.56	56.23%	68.35
		03	61.03	56.23%	34.32
		06	91.54	56.23%	51.47
			274.13		\$154.14
SIMON, VERNETA J.	2006	02	14.07	56.23%	7.91
		06	26.84	56.23%	15.09
		07	14.08	56.23%	7.92
		20	15.27	56.23%	8.59
			70.26		\$39.51
Total Fiscal Year 2006 Payroll Direct Costs:			1,371.37		\$771.12
Total Fiscal Year 2006:			1,371.37		\$771.12

## EPA Indirect Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT

Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
FULGHUM, MARY L.	2007	14	190.85	62.91%	120.06
		23	39.13	62.91%	24.62
		24	19.57	62.91%	12.31
		25	78.24	62.91%	49.22
			<u>327.79</u>		<u>\$206.21</u>
JABLONOWSKI, EUGENE A.	2007	14	103.98	62.91%	65.41
		23	76.88	62.91%	48.37
		25	46.88	62.91%	29.49
			<u>227.74</u>		<u>\$143.27</u>
JOYCE, EMMETT M.	2007	11	169.83	62.91%	106.84
			<u>169.83</u>		<u>\$106.84</u>
KEATING, DEBBIE F.	2007	06	12.44	62.91%	7.83
		11	26.32	62.91%	16.56
			<u>38.76</u>		<u>\$24.39</u>
MARTWICK, CATHLEEN R.	2007	23	132.87	62.91%	83.59
		24	66.43	62.91%	41.79
		26	83.06	62.91%	52.25
			<u>282.36</u>		<u>\$177.63</u>
SIMON, VERNETA J.	2007	14	94.04	62.91%	59.16

EPA Indirect Costs  
LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT  
Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
SIMON, VERNETA J.	2007	23	156.75	62.91%	98.61
			250.79		\$157.77
Total Fiscal Year 2007 Payroll Direct Costs:			1,297.27		\$816.11
Total Fiscal Year 2007:			1,297.27		\$816.11

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
FELITTI, PETER M.	2008	14	21.77	61.66%	13.42
		15	21.77	61.66%	13.42
		16	21.77	61.66%	13.42
		18	544.07	61.66%	335.47
			609.38		\$375.73
KEATING, DEBBIE F.	2008	05	27.44	61.66%	16.92
			27.44		\$16.92
MARTWICK, CATHLEEN R.	2008	24	212.34	61.66%	130.93
		25	141.54	61.66%	87.27
			353.88		\$218.20

## EPA Indirect Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT

Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
SIMON, VERNETA J.	2008	23	32.47	61.66%	20.02
			32.47		\$20.02

Total Fiscal Year 2008 Payroll Direct Costs:

1,023.17 \$630.87

Total Fiscal Year 2008:

1,023.17 \$630.87

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
KEATING, DEBBIE F.	2009	18	45.63	62.76%	28.64
		19	30.41	62.76%	19.09
			76.04		\$47.73

Total Fiscal Year 2009 Payroll Direct Costs:

76.04 \$47.73

Total Fiscal Year 2009:

76.04 \$47.73

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
FULGHUM, MARY L.	2012	25	87.15	61.61%	53.69
		27	21.86	61.61%	13.47
			109.01		\$67.16

## EPA Indirect Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT  
Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
JABLONOWSKI, EUGENE A.	2012	21	142.17	61.61%	87.59
			142.17		\$87.59
KEATING, DEBBIE F.	2012	10	64.38	61.61%	39.66
			64.38		\$39.66
MARTWICK, CATHLEEN R.	2012	24	63.65	61.61%	39.21
		27	254.61	61.61%	156.87
			318.26		\$196.08
Total Fiscal Year 2012 Payroll Direct Costs:			633.82		\$390.49
Total Fiscal Year 2012:			633.82		\$390.49

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
FULGHUM, MARY L.	2013	02	65.37	61.61%	40.27
		03	42.12	61.61%	25.95
			107.49		\$66.22
KEATING, DEBBIE F.	2013	01	63.68	61.61%	39.23
		04	32.19	61.61%	19.83
		05	32.19	61.61%	19.83
		06	32.19	61.61%	19.83
			160.25		\$98.72
MARTWICK, CATHLEEN R.	2013	01	127.29	61.61%	78.42



## EPA Indirect Costs

LINDSEY LIGHT II, CHICAGO, IL SITE ID = 05 YT

Operable Unit(s): 05

Costs From 05/25/2005 Through 12/31/2012.

PAYROLL DIRECT COSTS

<u>Employee Name</u>	<u>Fiscal Year</u>	<u>Pay Period</u>	<u>Payroll Costs</u>	<u>Ind. Rate (%)</u>	<u>Indirect Costs</u>
MARTWICK, CATHLEEN R.	2013	03	124.95	61.61%	76.98
			252.24		\$155.40
TAYLOR, DARIUS L.	2013	04	59.33	61.61%	36.55
			59.33		\$36.55
Total Fiscal Year 2013 Payroll Direct Costs:			579.31		\$356.89
Total Fiscal Year 2013:			579.31		\$356.89
Total EPA Indirect Costs					\$4,392.73